



# City of Aurora

231634

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Thomas J. Weisner  
Mayor

January 6, 2012

Ms. Cynthia Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street, S.W.  
Washington DC 20423-0001

**ENTERED**  
**Office of Proceedings**

JAN - 9 2012

**Part of**  
**Public Record**

VIA Mail and Electronic Filing

***RE: Docket No. FD 35087 (Sub-No. 8)***

Dear Ms. Brown,

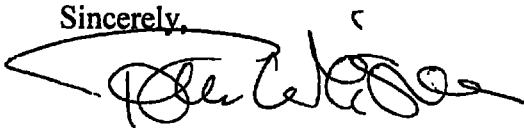
As the co-chair of the TRAC Coalition since its inception in 2008 and as the Mayor of Aurora, Illinois, I urge the Surface Transportation Board to consider carefully the findings of the new traffic study that has been supplied to the Board by the Village of Barrington in the above-referenced matter. As the Mayor of Aurora, I am most grateful for the Board's bold action, substantiated by a recent court decision, in requiring Canadian National Railroad (CN) to fund a substantial portion of the cost of a new grade separation at the intersection of U.S. Route 34 and the EJ&E line. After all is said and done, CN alone stands to realize the lion's share of the future financial benefits that the Board's approval of its acquisition of the EJ&E line will produce.

Unfortunately, if the Board does not address the fundamental errors that have been exposed by Barrington's 2011 Traffic Studies, Barrington (which will not share in those future financial benefits) would be compelled to pay for the cost of a grade separation that would not have been required in the absence of the Board's authorization. This is an example of the adverse environmental impacts on communities along the EJ&E line that should be addressed by conditions imposed by the Board.

As Barrington has argued, the reason it was not awarded a grade separation at the intersection of U.S. Highway 14 and the EJ&E line can be attributed to the Board's being misled by HDR's erroneous analysis for both the DEIS and the FEIS. As Barrington has demonstrated in its October 14 petition, the initial HDR analysis model failed to determine that Highway 14 met the delay threshold criteria set by the Board to categorize it as "substantially affected." Then the subsequent analysis run by HDR for the express purpose of taking a second look at Barrington's impacts did not use a 24-hour period for measuring delay as it did for *all* other locations on the EJ&E, including Aurora. Because Barrington's 2011 Traffic Study has demonstrated the material error in the Board's 2008 assumptions, it would appear that the Board inappropriately denied Barrington relief that is equitable to that afforded Aurora and Lynwood.

The Board has retained jurisdiction to impose additional mitigation during a five-year oversight period. Because the analysis used by HDR to address the unique features in Barrington was flawed and subjected Barrington to unequal treatment, I would urge the Board to use its oversight jurisdiction to correct this mistake.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Weisner", with a large, sweeping flourish extending from the end of the signature.

Tom Weisner, Mayor

**CERTIFICATE OF SERVICE**

I certify that I have this 6th day of January, 2012, caused a true copy of letters from Tower Lakes, Illinois and Barrington Township, Illinois in support of Barrington's October 14, 2011 petition (STB Docket FD35087 - Sub-No 8) to be served by e-mail upon:

Cunningham, Paul A.  
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Washington, DC 20006-3817

Dold, Honorable Robert  
United States House Of Representatives  
227 Cannon House Office Building  
Washington, DC 20515

Durbin, Honorable Richard J  
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Washington, DC 20510-1304

Hirsh, David A  
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Kirk, Honorable Mark  
United States Senate  
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Manzullo, Honorable Donald  
U.S. House Of Representatives  
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Washington, DC 20515

Roskam, Honorable Peter J.  
Congress Of The United States  
318 Cannon House Office Building  
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Streeter, Richard H.  
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Walsh, Honorable Joe  
United States House Of Representatives  
432 Cannon House Office Building  
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Suzanne M. Devane